

113TH CONGRESS  
2D SESSION

**S. 1104**

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**AN ACT**

To measure the progress of recovery and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2        This Act may be cited as the “Assessing Progress in  
3   Haiti Act of 2014”.

4 **SEC. 2. FINDINGS.**

5        Congress makes the following findings:

6              (1) On January 12, 2010, a massive earth-  
7   quake struck near the Haitian capital city of Port-  
8   au-Prince, leaving an estimated 220,000 people  
9   dead, including 103 United States citizens, 101  
10   United Nations personnel, and nearly 18 percent of  
11   the nation’s civil service, as well as 300,000 injured,  
12   115,000 homes destroyed, and 1,500,000 people dis-  
13   placed.

14             (2) According to the Post Disaster Needs As-  
15   essment conducted by the Government of Haiti,  
16   with technical assistance from the United Nations,  
17   the World Bank, the Inter-American Development  
18   Bank, the Economic Commission for Latin America  
19   and the Caribbean, and the European Commission,  
20   an estimated 15 percent of the population was di-  
21   rectly affected by the disaster and related damages  
22   and economic losses totaled \$7,804,000,000.

23             (3) Even before the earthquake, Haiti had some  
24   of the lowest socioeconomic indicators and the sec-  
25   ond highest rate of income disparity in the world,  
26   conditions that have further complicated post-earth-

1 quake recovery efforts and, according to the World  
2 Bank, have significantly reduced the prospects of ad-  
3 dressing poverty reduction through economic growth.

4 (4) According to the World Food Programme,  
5 more than 6,700,000 people in Haiti (out of a popu-  
6 lation of about 10,000,000) are considered food inse-  
7 cure.

8 (5) In October 2010, an unprecedented out-  
9 break of cholera in Haiti resulted in over 500,000  
10 reported cases and over 8,000 deaths to date, fur-  
11 ther straining the capacity of Haiti's public health  
12 sector and increasing the urgency of resettlement  
13 and water, sanitation, and hygiene (WASH) efforts.

14 (6) The international community, led by the  
15 United States and the United Nations, mounted an  
16 unprecedented humanitarian response in Haiti, with  
17 donors pledging approximately \$10,400,000,000 for  
18 humanitarian relief and recovery efforts, including  
19 debt relief, supplemented by \$3,100,000,000 in pri-  
20 vate charitable contributions, of which approximately  
21 \$6,400,000,000 has been disbursed and an addi-  
22 tional \$3,800,000,000 has been committed as of  
23 September 30, 2013.

24 (7) The emergency response of the men and  
25 women of the United States Government, led by the

1       United States Agency for International Development  
2       (USAID) and the United States Southern Com-  
3       mand, as well as of cities, towns, individuals, busi-  
4       nesses, and philanthropic organizations across the  
5       United States, was particularly swift and resolute.

6               (8) Since 2010, a total of \$1,300,000,000 in  
7       United States assistance has been allocated for hu-  
8       manitarian relief and \$2,300,000,000 has been allo-  
9       cated for recovery, reconstruction, and development  
10      assistance in Haiti, including \$1,140,000,000 in  
11      emergency appropriations and \$95,000,000 that has  
12      been obligated specifically to respond to the cholera  
13      epidemic.

14               (9) Of the \$3,600,000,000 in United States as-  
15       sistance allocated for Haiti, \$651,000,000 was ap-  
16       portioned to USAID to support an ambitious recov-  
17       ery plan, including the construction of a power plant  
18       to provide electricity for the new Caracol Industrial  
19       Park (CIP) in northern Haiti, a new port near the  
20       CIP, and permanent housing in new settlements in  
21       the Port-au-Prince, St-Marc, and Cap-Haïtien areas.

22               (10) According to a recent report of the Gov-  
23       ernment Accountability Office, as of June 30, 2013,  
24       USAID had disbursed 31 percent of its reconstruc-  
25       tion funds in Haiti, the port project was 2 years be-

1 hind schedule and USAID funding will be insufficient  
2 to cover a majority of the projected costs, the  
3 housing project has been reduced by 80 percent, and  
4 the sustainability of the power plant, the port, and  
5 the housing projects were all at risk.

6 (11) GAO further found that Congress has not  
7 been provided with sufficient information to ensure  
8 that it is able to conduct effective oversight at a  
9 time when most funding remains to be disbursed,  
10 and specifically recommends that a periodic reporting  
11 mechanism be instituted to fill this information  
12 gap.

13 (12) Donors have encountered significant challenges  
14 in implementing recovery programs, and nearly  
15 4 years after the earthquake, an estimated  
16 171,974 people remain displaced in camps, unemployment  
17 remains high, corruption is rampant, land  
18 rights remain elusive, allegations of wage violations  
19 are widespread, the business climate is unfavorable,  
20 and government capacity remains weak.

21 (13) For Haiti to achieve stability and long  
22 term economic growth, donor assistance will have to  
23 be carefully coordinated with a commitment by the  
24 Government of Haiti to transparency, a market  
25 economy, rule of law, and democracy.

1                   (14) The legal environment in Haiti remains a  
2                   challenge to achieving the goals supported by the  
3                   international community.

4 **SEC. 3. STATEMENT OF POLICY.**

5                   It is the policy of the United States to support the  
6                   sustainable rebuilding and development of Haiti in a man-  
7                   ner that—

8                   (1) promotes efforts that are led by and sup-  
9                   port the people and Government of Haiti at all levels  
10                  so that Haitians lead the course of reconstruction  
11                  and development of Haiti;

12                  (2) builds the long term capacity of the Govern-  
13                  ment of Haiti and civil society in Haiti;

14                  (3) reflects the priorities and particular needs  
15                  of both women and men so they may participate  
16                  equally and to their maximum capacity;

17                  (4) respects and helps restore Haiti's natural  
18                  resources, as well as builds community-level resil-  
19                  ience to environmental and weather-related impacts;

20                  (5) provides timely and comprehensive reporting  
21                  on goals and progress, as well as transparent post  
22                  program evaluations and contracting data;

23                  (6) prioritizes the local procurement of goods  
24                  and services in Haiti where appropriate; and

1                   (7) promotes the holding of free, fair, and time-  
2         ly elections in accordance with democratic principles  
3         and the Haitian Constitution.

4 **SEC. 4. SENSE OF CONGRESS.**

5                 It is the sense of Congress that transparency, ac-  
6         countability, democracy, and good governance are integral  
7         factors in any congressional decision regarding United  
8         States assistance, including assistance to Haiti.

9 **SEC. 5. REPORT.**

10               (a) IN GENERAL.—Not later than December 31,  
11         2014, and annually thereafter through December 31,  
12         2017, the Secretary of State shall submit to Congress a  
13         report on the status of post-earthquake recovery and de-  
14         velopment efforts in Haiti.

15               (b) CONTENTS.—The report required by subsection  
16         (a) shall include—

17               (1) a summary of “Post-Earthquake USG Haiti  
18         Strategy: Toward Renewal and Economic Oppor-  
19         tunity”, including any significant changes to the  
20         strategy over the reporting period and an expla-  
21         nation thereof;

22               (2) a breakdown of the work that the United  
23         States Government agencies other than USAID and  
24         the Department of State are conducting in the Haiti  
25         recovery effort, and the cost of that assistance;

1                   (3) an assessment of the progress of United  
 2 States efforts to advance the objectives of the “Post-  
 3 Earthquake USG Haiti Strategy: Toward Renewal  
 4 and Economic Opportunity” produced by the De-  
 5 partment of State, compared to what remains to be  
 6 achieved to meet specific goals, including—

7                   (A) a description of any significant  
 8 changes to the Strategy over the reporting pe-  
 9 riod and an explanation thereof;

10                  (B) an assessment of progress, or lack  
 11 thereof, over the reporting period toward meet-  
 12 ing the goals and objectives, benchmarks, and  
 13 timeframes specified in the Strategy, includ-  
 14 ing—

15                  (i) a description of progress toward  
 16 designing and implementing a coordinated  
 17 and sustainable housing reconstruction  
 18 strategy that addresses land ownership, se-  
 19 cure land tenure, water and sanitation,  
 20 and the unique concerns of vulnerable pop-  
 21 ulations such as women and children, as  
 22 well as neighborhood and community revi-  
 23 talization, housing finance, and capacity  
 24 building for the Government of Haiti to  
 25 implement an effective housing policy;

1                             (ii) a description of United States  
2                                 Government efforts to construct and sus-  
3                                 tain the proposed port, as well as an as-  
4                                 sessment of the current projected timeline  
5                                 and cost for completion; and  
6                             (iii) a description of United States  
7                                 Government efforts to attract and leverage  
8                                 the investments of private sector partners  
9                                 to the CIP, including by addressing any  
10                                 policy impediments;

11                                 (C) a description of the quantitative and  
12                                 qualitative indicators used to evaluate the  
13                                 progress toward meeting the goals and objec-  
14                                 tives, benchmarks, and timeframes specified in  
15                                 the Strategy at the program level;

16                                 (D) the amounts committed, obligated, and  
17                                 expended on programs and activities to imple-  
18                                 ment the Strategy, by sector and by imple-  
19                                 menting partner at the prime and subprime lev-  
20                                 els (in amounts of not less than \$25,000); and  
21                                 (E) a description of the risk mitigation  
22                                 measures put in place to limit the exposure of  
23                                 United States assistance provided under the  
24                                 Strategy to waste, fraud, and abuse;

1                   (4) a description of measures taken to strengthen,  
2                   and United States Government efforts to improve,  
3                   Haitian governmental and nongovernmental  
4                   organizational capacity to undertake and sustain  
5                   United States-supported recovery programs;

6                   (5) as appropriate, a description of United  
7                   States efforts to consult and engage with Government  
8                   of Haiti ministries and local authorities on the  
9                   establishment of goals and timeframes, and on the  
10                  design and implementation of new programs under  
11                  the Post-Earthquake USG Haiti Strategy: Toward  
12                  Renewal and Economic Opportunity;

13                  (6) a description of efforts by Haiti's legislative  
14                  and executive branches to consult and engage with  
15                  Haitian civil society and grassroots organizations on  
16                  the establishment of goals and timeframes, and on  
17                  the design and implementation of new donor-financed  
18                  programs, as well as efforts to coordinate  
19                  with and engage the Haitian diaspora;

20                  (7) consistent with the Government of Haiti's  
21                  ratification of the United Nations Convention  
22                  Against Corruption, a description of efforts of the  
23                  Governments of the United States and Haiti to  
24                  strengthen Government of Haiti institutions established  
25                  to address corruption, as well as related ef-

1       forts to promote public accountability, meet public  
2       outreach and disclosure obligations, and support civil  
3       society participation in anti-corruption efforts;

4                 (8) a description of efforts to leverage public-  
5       private partnerships and increase the involvement of  
6       the private sector in Haiti in recovery and develop-  
7       ment activities and coordinate programs with the  
8       private sector and other donors;

9                 (9) a description of efforts to address the par-  
10       ticular needs of vulnerable populations, including in-  
11       ternally displaced persons, women, children, or-  
12       phans, and persons with disabilities, in the design  
13       and implementation of new programs and infrastruc-  
14       ture;

15                 (10) a description of the impact that agri-  
16       culture and infrastructure programs are having on  
17       the food security, livelihoods, and land tenure secu-  
18       rity of smallholder farmers, particularly women;

19                 (11) a description of mechanisms for commu-  
20       nicipating the progress of recovery and development  
21       efforts to the people of Haiti, including a description  
22       of efforts to provide documentation, reporting and  
23       procurement information in Haitian Creole;

24                 (12) a description of the steps the Government  
25       of Haiti is taking to strengthen its capacity to re-

1 ceive individuals who are removed, excluded, or de-  
2 ported from the United States; and

3 (13) an assessment of actions necessary to be  
4 taken by the Government of Haiti to assist in ful-  
5 filling the objectives of the Strategy.

6 **SEC. 6. STRATEGY.**

7 (a) IN GENERAL.—Not later than 180 days after the  
8 date of the enactment of this Act, the Secretary of State,  
9 acting through the Assistant Secretary of State for West-  
10 ern Hemisphere Affairs, shall coordinate and transmit to  
11 the Committee on Foreign Relations and the Committee  
12 on Appropriations of the Senate and the Committee on  
13 Foreign Affairs and the Committee on Appropriations of  
14 the House of Representatives a three-year Haiti strategy  
15 based on rigorous assessments that—

16 (1) identifies and addresses constraints to sus-  
17 tainable, broad-based economic growth and to the  
18 consolidation of responsive, democratic government  
19 institutions;

20 (2) includes an action plan that outlines policy  
21 tools, technical assistance, and anticipated resources  
22 for addressing the highest-priority constraints to  
23 economic growth and the consolidation of democracy,  
24 as well as a specific description of mechanisms for  
25 monitoring and evaluating progress; and

1                   (3) identifies specific steps and verifiable bench-  
2       marks appropriate to provide direct bilateral assist-  
3       ance to the Government of Haiti.

4                   (b) ELEMENTS.—The strategy required under sub-  
5       section (a) should address the following elements:

6                   (1) A plan to engage the Government of Haiti  
7       on shared priorities to build long-term capacity, in-  
8       cluding the development of a professional civil serv-  
9       ice, to assume increasing responsibility for govern-  
10      ance and budgetary sustainment of governmental in-  
11      stitutions.

12                  (2) A plan to assist the Government of Haiti in  
13      holding free, fair and timely elections in accordance  
14      with democratic principles.

15                  (3) Specific goals for future United States sup-  
16      port for efforts to build the capacity of the Govern-  
17      ment of Haiti, including to—

18                   (A) reduce corruption;

19                   (B) consolidate the rule of law and an  
20      independent judiciary;

21                   (C) strengthen the civilian police force;

22                   (D) develop sustainable housing, including  
23      ensuring appropriate titling and land ownership  
24      rights;

1                         (E) expand port capacity to support eco-  
2                         nomic growth;

3                         (F) attract and leverage the investments of  
4                         private sector partners, including to the Caracol  
5                         Industrial Park;

6                         (G) promote large and small scale agricul-  
7                         tural development in a manner that reduces  
8                         food insecurity and contributes to economic  
9                         growth;

10                         (H) improve access to potable water, ex-  
11                         pand public sanitation services, reduce the  
12                         spread of infectious diseases, and address public  
13                         health crises;

14                         (I) restore the natural resources of Haiti,  
15                         including enhancing reforestation efforts  
16                         throughout the country; and

17                         (J) gain access to safe, secure, and afford-  
18                         able supplies of energy in order to strengthen  
19                         economic growth and energy security.

20                         (c) CONSULTATION.—In devising the strategy re-  
21                         quired under subsection (a), the Secretary should—

22                         (1) coordinate with all United States Govern-  
23                         ment departments and agencies carrying out work in  
24                         Haiti;

1                   (2) consult with the Government of Haiti, in-  
2                   cluding the National Assembly of Haiti, and rep-  
3                   resentatives of private and nongovernmental sectors  
4                   in Haiti; and

5                   (3) consult with relevant multilateral organiza-  
6                   tions, multilateral development banks, private sector  
7                   institutions, nongovernmental organizations, and for-  
8                   eign governments present in Haiti.

9                   (d) BRIEFINGS.—The Secretary of State, at the re-  
10                   quest of the Committee on Foreign Relations of the Senate  
11                   and the Committee on Foreign Affairs of the House of  
12                   Representatives, shall provide a quarterly briefing that re-  
13                   views progress of the implementation of the strategy re-  
14                   quired under subsection (a).

Passed the Senate July 10, 2014.

Attest:

*Secretary.*

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION      **S. 1104**

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